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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,305

07/22/2003

Tom Ruhe

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12/12/2008

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

NGUYEN, ALLEN H

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

12/12/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/624,305	Applicant(s) RUHE ET AL.	
	Examiner Allen H. Nguyen	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This office action is responsive to the following communication:
Amendment filed on 08/06/2008.
- Claims 12-17 are currently pending in the application.

Response to Arguments

1. Applicant's arguments with respect to claims 12-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 13-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 13, the limitation of "The structure, wherein the resistance varies from a greater resistance at an upstream part of the separator to a lesser resistance at a downstream part of the separator" is not described in the specification in such a way as to reasonably convey to one skilled in the relevant

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art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 14, claim 14 is rejection under 35 U.S.C. 112, first paragraph because it depends on rejected claim 13.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson et al. (US 5,269,506).

Regarding claim 12, Olson '506 discloses a sheet media input structure (Separator 26, figs. 3-5) for a sheet media processing device (Printer 10, fig. 2), comprising:

a sheet media supporting surface (i.e., the top sheet engages the separator in a first surface region 40 and a second surface region 42; Col. 3, lines 63-64 and col. 4, lines 5-10, fig. 2);

a media sheet separator downstream from the supporting surface along a media path that extends from the supporting surface to and along the separator

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(As paper is pulled into the input port, it is pinched between the separator and roller to effect separation of the sheets, col. 2, lines 62-66), the separator configured to separate a top sheet on the stack from a next-to-top sheet in the stack by resisting the movement of sheets along the media path (i.e., separator is configured so as to oppose input of second sheet 24b until after the top sheet 24a is taken completely into the printer; Col. 3, lines 57-60, fig. 2) and wherein the degree of resistance varies along the length of the separator (i.e., this is accomplished without unduly opposing input of top sheet 24a. Such effect is due to the varying frictional forces applied by the separator in different regions; Col. 3, lines 60-63).

Regarding claim 14, Olson '506 discloses the structure, wherein the separator comprises:

a pliable sheet (Body 30 is formed from a rigid, wear-resistant material such as nylon, and is generally molded as a unitary piece, col. 3, lines 9-11, figs. 3-5);

first and second supports extending along and supporting the sheet (i.e., the varying frictional forces applied by the separator in different regions; Col. 3, lines 57-60), the supports oriented relative to one another (i.e., the pad, which extends in a region forward of the upstanding portion, opposes intake of the second sheet; Col. 1, line 68 and col. 2, lines 1-2) such that a distance between the supports at the downstream part of the separator is greater than a distance between the supports at the upstream part of the separator (i.e., pad 32

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substantially surrounds the upstanding portions, extending forwardly therefrom a distance approximately twice the length of the upstanding portions; Col. 3, lines 44-47);

a protrusion extending along and protruding from the sheet between the supports (i.e., the forward-most portion of the pad angles downwardly as it extends from the upstanding members. The edges of the pad are rounded to accommodate sheet passage; Col. 3, lines 50-55).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al. (US 5,269,506) in view of La Mers (US 4,648,930).

Regarding claim 15, Olson '506 discloses the structure (Separator 26, figs. 3-5), wherein the separator comprises:

a span of flexible material (i.e., the pad 32 is formed from a frictionally adherent material such as rubber, and is effective in selectively opposing passage of paper there-across; Col. 3, lines 47-50, figs. 2-3);

a pair of elongated supports supporting the span (i.e., separator is configured so as to oppose input of second sheet 24b until after the top sheet 24a is taken completely into the printer; Col. 3, lines 57-63), the supports oriented relative to one another such that a distance between the supports at a first part of the span is greater than a distance between the supports at a second part of the span (i.e., pad 32 substantially surrounds the upstanding portions, extending forwardly therefrom a distance approximately twice the length of the upstanding portions; Col. 3, lines 44-47);

an elastomeric pad (a resilient Pad 32, figs. 3-4) affixed to or integral with the flexible material between the supports (i.e., the pad is formed from a frictionally adherent material such as rubber, and is effective in selectively opposing passage of paper there-across; Col. 3, lines 47-55, figs. 3-4).

It is noted that Rhodes '569 does not explicitly show a generally V shaped configuration.

However, the above-mentioned claimed limitation is well known in the art as evidenced by Mers '930. In particular, Mers '930 teaches a generally V shaped configuration (i.e., separator in the form of a plate 22 having a substantially V-shaped edge region or notch 24 which forms a pair of separator edges 26, 28; col. 2, lines 47-50, fig. 1).

In view of the above, having the system of Rhodes and then given the well-established teaching of Mers, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Rhodes as taught by Mers to include: A generally V shaped

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configuration, since such a modification would ensure a structure suitable for use to vary or alter the resistance along an extendable media separator.

Regarding claim 16, Olson '506 discloses the structure, wherein the second part of the span (Body 30, figs. 3-5) is upstream along the media path from the first part of the span (i.e., Body 30 includes a generally horizontal base portion 34 from which extend a plurality of upstanding portions 36; Col. 3, lines 5-10, fig. 5).

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al. (US 5,269,506) in view of La Mers (US 4,648,930), and further in view of Oleksa et al. (US 5,895,040).

Regarding claim 17, the combination of Olson '506 and La Mers '930 does not show the structure, wherein the pad is oriented at an obtuse angle relative to the supporting surface.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Oleksa '040. In particular, Oleksa '040 teaches the structure (figs. 1-11), wherein the pad is oriented at an obtuse angle relative to the supporting surface (i.e., support means at an obtuse angle to said support means; Col. 4, lines 25-30 and col. 7, lines 1-7).

In view of the above, having the system of Olson and La Mers and then given the well-established teaching of Oleksa, it would have been obvious to one

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having ordinary skill in the art at the time of the invention was made to modify the system of Olson and La Mers as taught by Oleksa to include: the structure, wherein the pad is oriented at an obtuse angle relative to the supporting surface, since Oleksa stated in col. 1, lines 50-55 that such a method whether to have an inclined surface of a dam capable of reliably separating heavy media or light media.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McCue, Jr. et al. (US 6,158,909) discloses Z-fold print media handling system.

Caspar et al. (US 5,971,390) discloses sheet aligning apparatus.

Kelly (US 5,711,517) discloses sheet media handling system.

Yergenson (US 5,655,762) discloses mechanism for avoiding multiple sheet misfeeds in sheet media feed systems.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen H. Nguyen whose telephone number is (571)270-1229. The examiner can normally be reached on 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KING Y. POON can be reached on (571) 272-7440. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Allen H. Nguyen/
Examiner, Art Unit 2625